REMARKS

Summary of the Office Action & Formalities

Claim Status

Claims 1-18 and 20 are all the claims pending in the application. By this Amendment, Applicant is amending claim 1. No new matter is added.

Claim Rejections - 35 U.S.C. § 112

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for the reasons stated on page 2 of the office action. Applicant is amending claim 1 to address the Examiner's rejection.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1, 2, 8, 13-15, and 18 under 35 U.S.C. § 102(b) as allegedly being anticipated by Diesing (US 3,075,542).

In rejecting claims 1, 2, 8, 13-15, and 18, the grounds of rejection state:

> The Diesing reference discloses a fluid dispensing valve (where the fluid is air, 1) having a valve body (7), a valve member (2,6) which is a temperature regulator means consisting of an inner portion (6) that is slidable inside the valve body between a rest position (vice versa of dispensing position) and a dispensing position (see fig.1); and an outer portion (2) extending, at least in part, outside the valve body (7); and wherein the inner portion (6) is made, at least in part, of a synthetic material (col.1, lines 41-43) and the outer portion (2) is made, at least in part, of a second material that is thermally conductive (2, see cross-hatch in fig.1); and wherein the inner and outer portions are secured to each other (by element 9); and wherein the temperature regulator means (2,6) has a head (lower cylindrical portion of 2) being made of a thermally-conductive material; and wherein the thermally-conductive material is a metal; and wherein the fluid dispenser device includes a fluid reservoir (fig.1; space between 1 and 7); and wherein the dispenser head (lower cylindrical portion of 2) mounted on the valve member (2,6) of the valve (1); and wherein the dispenser head (lower cylindrical portion of 2) includes the

> temperature regulator means (2,6); and a portion of the dispenser head that cooperates with the valve member (2,6) includes the temperature regulator means.

(Office Action at page 3.)

Applicant respectfully disagrees with the Examiner's position. Applicant submits that Diesing does not disclose at least "an inner portion . . . made of a first synthetic material, and an outer portion, extending, at least in part, outside the valve body, and made of a second material that is *thermally conductive*." The Examiner alleges that element 2 of Diesing discloses the outer portion made of a thermally conductive material. Nowhere, however, does the specification of Diesing indicate that element 2 is made of thermally conductive material.

To the contrary, Diesing indicates that element 2 is made of thermally *resistant* material. Diesing states, "[t]he valve stem 10 carries a shield 13 thereon immediately above the valve 2. The shield 13 serves to protect the actuator for the valve from damage by the high temperature of the fluid which flows through the valve." (Diesing, col. 1, lines 60-64.) Thus, since the shield 13 is required to protect the actuator (bellows 6) from high temperatures, the shield 13 is necessarily made of thermally *resistant* material. As such, element 2 would not be made of thermally conductive material, as this would transfer heat to the actuator, and thereby defeat the purpose of the heat shield. Thus, Diesing does not disclose an actuator made of thermally conductive material.

Additionally, Diesing does not disclose at least, "an inner portion . . . made of a first synthetic material, and an outer portion . . . made of a *second* material that is thermally conductive." The Examiner alleges that the bellows 6 is the inner portion of the valve member. Applicant submits, however, that the bellows 6 are not a part of the valve member, as the bellows apply a force to the movable valve 2 and, therefore, would be equivalent to a spring acting on the

movable valve 2. As such, the bellows 6 are not a part of the movable valve 6 and Diesing does not disclose a valve member made of a first and a second material.

Furthermore, one skilled in the art would not have even considered the Diesing reference when designing a fluid dispenser valve for limiting the cooling of a valve member. Diesing discloses "a valve assembly which regulates the flow of a fluid at high temperature and in which provision is made for cooling the valve by an induced flow of a fluid at lower temperature." (Diesing, col. 1, lines 8-11.) Thus, Diesing discloses a device that *cools* a heated element. By comparison, the device of the current invention performs the exact opposite function, as the current invention *limits the cooling* of a valve member. As such, one would not have considered Dieising when designing a device addressing the problem of solved by the current invention.

In view of the above, Applicant submits that Diesing does not anticipate, or render obvious, independent claim 1.

Regarding claims 2, 8, 13-15, and 18, Applicant submits that these claims are allowable at least by virtue of their dependencies from independent claim 1.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Diesing (US 3,075,542). Applicant submits that claim 17 is allowable at least by virtue of its dependency from independent claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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